

01062  
SN 09/970,582

**REMARKS / ARGUMENTS**

Applicant requests reconsideration of the rejection of Claims 1-39 as being obvious over the prior art. Specifically, applicant submits that the McCabe reference, cannot be relied upon to reject any of the pending claims and that the Final Rejection depends upon an improper mischaracterization of the McCabe reference.

Initially, applicant is confused over the following sentence in the rejection.

“Although, Kukubu as modified by Crosley teaches the electronic card key to open lock, *they fairly* particularly teach the electronic key card include printed information thereon.” (Emphasis added.)

This statement does not appear consistent with the subsequent reliance upon McCabe to purportedly teach inclusion of printed matter. Applicant therefore has interpreted this sentence as containing a typographical error, and that this sentence was intended to read as follows.

“Although, Kukubu as modified by Crosley teaches the electronic card key to open lock, *they fail* to particularly teach the electronic key card include printed information thereon.”

Assuming that this is a correct interpretation of the rejection, it is submitted that McCabe merely discloses that printed information can be included on an inaccessible surface of a card, with that printed information sandwiched between a polyester film on one side and by conductive ink on the opposite side.

“In one embodiment, various layers of ink are printed *on an inner side* of the polyester film facing (*after assembly*) the back of the smart cards. In the illustrated example, supported inks can be used to convey information such as logos and/or company names such as those illustrated at 112 which are respectively, the name of a product incorporating the invention subject matter described below and the assignee of this patent application. The logo can be *viewed through the transparent film*, and is

01062  
SN 09/970,582

protected (e.g. against scratching) by the thickness of the polyester film. When viewed through the film, the logo has an enhanced appearance.

"Following the application, if any, of logos or company names 112, a plurality of layers of ink are provided or formed over substrate 108 directly atop any such logos or company names. Preferably, such layers are provided to a degree to effect a complete opacity such that conductive inks and circuitry components (described below) are not viewable through the front of the card." Col 7, lines 41-59. (Emphasis added).

When read in conjunction with the assembly process in Column 8, it is apparent that this printing is one of the first steps in fabrication of a smart card in McCabe. Thereafter the printing is covered by active smart card components. This process is directly contrary to applicant's invention in which the configuration of the card itself is altered, when compared to a standard one layer card having only a front and back surface (such as the McCabe card) to provide additional area for printing information material directly on the exterior of the card. Extra information can be conveyed by employing applicant's invention, and the prior art relied upon in this rejection does not properly suggest this improvement to the prior art.

The rejection focuses on the operation of the cards themselves, and applicant's invention is directed to the use of such cards as an advertising or promotional medium, which can be printed as the last step in the fabrication of the cards.

Withdrawal of the final rejection is therefore believed to be appropriate, and the pending claims should instead be allowed.

The claims now pending are believed to be allowable over the art of record and this application is believed to be in condition for allowance. Issuance of a Notice of Allowance in response to this amendment is therefore courteously solicited.

Respectfully Submitted:



Robert W. Pitts  
Registration No. 27372  
Attorney for Applicants  
Phone: 336-760-9565